

ORDERED.

Dated: January 24, 2020



Caryl E. Delano
Chief United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA, FORT MYERS DIVISION

In Re:

DIOGENES E PENA

Case No. 9:19-bk-10132-FMD

Debtor. _____ /

ORDER SUSTAINING TRUSTEE'S OBJECTION TO CLAIM OF EXEMPTION

THIS CASE came before the Court without hearing on the Trustee's Objection to Claim of Exemption (Doc. No. 9). The Objection was served by negative notice and the Court finds that no objections have been filed and the Debtor has failed to file a response. Accordingly, it is

ORDERED that the Trustee's Objection to Claim of Exemption is sustained to the extent that the value of the Debtor personal property exceeds available exemptions.

IT IS FURTHER ORDERED that Debtor is not entitled to claim tenants by the entireties exemption.

IT IS FURTHER ORDERED that the Debtor exemptions are limited to the allowable exemption limits permitted by the exemption scheme applicable to this case and all property that exceeds such amounts shall be deemed property of the estate and subject to administration.

IT IS FURTHER ORDERED the Debtor shall have the right to designate which specific assets the Debtor wishes to retain within the exemption entitlement. In the even there is a dispute as to the value of property claimed as exempt, the Court shall determine the value of the property in connection with a motion for turnover.

IT IS FURTHER ORDERED that this Order is entered without prejudice to the Debtor claim that the property is exempt or immune under provision of law other than those provisions limiting the value of exemptions. The Debtor may contact the Trustee to discuss purchasing the estate's interest in the pertinent asset.

Trustee Robert E. Tardif Jr. is directed to serve a copy of this order on interested parties who do not receive service by CM/ECF and file a proof of service within three days of entry of this order.